

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA

CASE NO. 12-6990-6B3

In the Matter of:

ALKESH SHASTRI

Debtor.

/

**MOTION TO DISMISS CHAPTER 13 BANKRUPTCY**

COMES NOW Community Bank of the South, by and through its undersigned attorneys, and prays this Court dismiss the Chapter 13 bankruptcy, and will show as follows:

1. 11 U.S.C. §109(e) limits the filing of a Chapter 13 to individuals with debts not exceeding \$360,475 in unsecured debt.
2. The Debtor's Schedule F reflects unsecured debts of \$50,322.87. However, in Schedule D, the Debtor reflects unsecured portions on secured claims that total \$626,859.97. Therefore, the Debtor exceeds the unsecured portions allowed to file a Chapter 13 bankruptcy and does not qualify to be a Chapter 13 Debtor. In addition, there are other unsecured debts shown by SOFA #4 lawsuits, which are not reflected in Schedule F, which will also increase the debt amount.
3. Alternatively, the Debtor's Schedules I and J show insufficient income and disposable income to successfully fund a Chapter 13 plan.

WHEREFORE, it is prayed the Court dismiss this Chapter 13 bankruptcy.

I HEREBY CERTIFY that a true copy of the foregoing was furnished by United States Mail/electronic transmission to Neil J. Buchalter, Esquire, 2395 North Courtenay Parkway, #203,

Merritt Island, Florida 32953; Laurie Weatherford, Post Office Box 3450, Winter Park, Florida 32790; and Alkesh Shastri, 1045 Cady Circle, Titusville, Florida 32780 this \_\_\_\_ day of June, 2012.

  
Raymond J. Rotella, of  
KOSTO & ROTELLA, P.A.  
POST OFFICE BOX 113  
ORLANDO, FLORIDA 32802  
TELEPHONE 407/425-3456  
FACSIMILE 407/423-5498  
FLORIDA BAR NO. 157951  
Rrotella@kostoandrotella.com  
Attorneys for Community Bank of the South